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7590

11/29/2004

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01/24/2005 YPOLITE2 00000034 10686146

01 FC:2501 700.00 DP  
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Grace J. Fishel	(Depositor's name)
<i>[Signature]</i>	(Signature)
January 18, 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,146	10/15/2003	Vicki S. Nolan	NVS 8680	6213

TITLE OF INVENTION: FLOATATION DEVICE FOR EYEGLASSES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	<del>\$685</del> \$700	\$300	<del>\$985</del> \$1000	02/28/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
MAI, HUY KIM	2873	351-043000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Grace J. Fishel

2 \_\_\_\_\_

3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 061090 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date January 18, 2005

Typed or printed name

Grace J. FishelRegistration No. 25,864

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vicki S. Nolan  
Serial No.: 10/686,146  
Filed: October 15, 2003  
For: Floatation Device  
For Eyeglasses

January 18, 2005  
Group Art Unit 2873  
Examiner: Huy K. Mai

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

The examiner provided the following statement of reasons for allowance: "The prior art fails to teach a combination of all the limitations as claimed in the independent claim 1, wherein the claimed invention comprising a floatation device for eyeglasses having temples with a straight portion and a curved ear portion, said device having a body formed of a resilient, soft floatation material, said body having a longitudinal passage through which the temple can be threaded for resiliently gripping the straight portion of the temple, said passageway being substantially off centerline of the body whereby a minor portion of the body is on an inboard side of the temple and a major portion of the body is on an outboard side of the temple, as claimed. The prior art does not disclose or fairly suggest, by themselves or in combining with any other reference, to meet a combination of all the limitations as claimed in claims 1, 4. Therefore claims 1-10 could be allowable over the prior art of record."

Applicant endorses the examiner's recitation of the elements in the claims in the reasons for allowance unless it is intended that the claims are limited to the "specific" structure shown in the drawings or disclosed in the specification. On the contrary, it is applicant's intent that the claims be broadly construed under the doctrine of equivalents free from prosecution estoppel as applicant has not amended the claims with regard to the recited elements, nor otherwise commented on the elements, does not assent to limiting them, and asserts that there is no basis in the cited references for limiting them.

(314) 878-0440

Respectfully submitted,

  
(Mrs.) Grace J. Fishel  
Reg. No. 25,864

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 18, 2005.

  
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Grace J. Fishel